

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-365
-vs-)	
)	DECISION
KRISTA ILENE KOLOSKEE,)	
)	
Defendant.)	

On December 19, 2017, the District Court sentenced the Defendant to the Department of Corrections for five (5) years, no time suspended, for Count I: Criminal Possession of Dangerous Drugs – Opiate/Meth., a felony. The sentence in Count I was ordered to run consecutively to DC 13-257. For Count II: Criminal Possession of Drug Paraphernalia, a misdemeanor, the Court sentenced the Defendant to 128 days in the Missoula County Detention Center. Defendant was give credit of 128 days for time served on both counts.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Butte-Silver Bow courthouse and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 3rd day
of May, 2018, to:

Clerk of District Court (Original)
Krista Ilene Koloskee #2104781, Defendant (2)
Hon. Robert Deschamps
Brent Getty, Defense Counsel
James McCubbin, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division